

# UNITED STATES DISTRICT COURT

for the

Southern District of Texas

McAllen Division

Case No. 7:18-MC-579

(to be filled in by the Clerk's Office)

Micah Gary Joel Rolph

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Rio Grande City CISD, Rio Grande CISD Police Department, Luis Garza Justice of the Peace and Rio Grande City Hospital

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

|                    |                       |
|--------------------|-----------------------|
| Name               | Micah Gary Joel Rolph |
| Street Address     | 6609 N 33rd           |
| City and County    | McAllen -- Hidalgo    |
| State and Zip Code | TX 78504              |
| Telephone Number   | (956)537-4633         |
| E-mail Address     | arifjantg@yahoo.com   |

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

|                                    |                          |
|------------------------------------|--------------------------|
| Name                               | Rio Grande City CISD     |
| Job or Title ( <i>if known</i> )   |                          |
| Street Address                     | 1 S. Fort Ringgold       |
| City and County                    | Rio Grande City -- Starr |
| State and Zip Code                 | TX -- 78582              |
| Telephone Number                   | (956)716-6750            |
| E-mail Address ( <i>if known</i> ) |                          |

## Defendant No. 2

|                                    |  |
|------------------------------------|--|
| Name                               | Rio Grande City CISD Police Department |
| Job or Title ( <i>if known</i> )   |  |
| Street Address                     | 1 S. Fort Ringgold                     |
| City and County                    | Rio Grande City -- Starr               |
| State and Zip Code                 | TX -- 78582                            |
| Telephone Number                   | (956)716-6750                          |
| E-mail Address ( <i>if known</i> ) |  |

## Defendant No. 3

|                                    |                                      |
|------------------------------------|--------------------------------------|
| Name                               | Luis Garza, Justice of the Peace 3.1 |
| Job or Title ( <i>if known</i> )   |                                      |
| Street Address                     | 730 N. Breyfogle, Suite C            |
| City and County                    | Mission, --Hidalgo                   |
| State and Zip Code                 | TX 78574                             |
| Telephone Number                   | (956) 519-8422                       |
| E-mail Address ( <i>if known</i> ) |                                      |

## Defendant No. 4

|                                  |                                |
|----------------------------------|--------------------------------|
| Name                             | Starr County Memorial Hospital |
| Job or Title ( <i>if known</i> ) |                                |
| Street Address                   | 2573 Hospital Drive            |
| City and County                  | Rio Grande City -- Starr       |
| State and Zip Code               | TX -- 78582                    |

Telephone Number 956-487-5561

E-mail Address (if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name Rio Grande City CISD

Street Address 1 S. Fort Ringgold

City and County Rio Grande City -- Starr

State and Zip Code TX -- 78582

Telephone Number (956)716-6750

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (specify the federal law):

☒ Relevant state law (specify, if known):

Chapter 55 of Texas Code of Criminal Procedure

☐ Relevant city or county law (specify, if known):

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
April 13<sup>th</sup> 2017

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race Anglo
- ☒ color White
- ☒ gender/sex Male
- ☐ religion \_\_\_\_\_
- ☒ national origin Canada
- ☒ age *(year of birth)* 1975 *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*  
100 percent Veterans Disability Rating.

E. The facts of my case are as follows. Attach additional pages if needed.

Mr. Rolph was a contracted employee with the title of teacher for Rio Grande City CISD assigned to the history department at Rio Grande City High School in Rio Grande City Texas. . Rio Grande City High School was operated in a way that did not meet standards of an academic setting in the state of Texas which Mr. Rolph did attempt to inform Superintendent of Rio Grande City Dr Arcadio J Salinas. Mr. Rolph faced daily discrimination and shunning by Rio Frande City High School staff and adminstration and Rio Grande City CISD. Unaddressed safety and academic issue with students to include death threats, shoot the gringo day, theft of multiple personal items, not instigated by Mr. Rolph verbal confrontation with staff and students, questionable special education practices, unprofessionalism conduct of Rio Grande City CISD police staff and Mr. Rolph vehicle being tampered with before Christmas break. Rio Grande City CISD did not practice due process in regards to the complaints and concerns of Mr.Rolph. On the orders of Superintendent of Rio Grande City CISD Dr Arcadio J Salinas III and Rio Grande City High School Principle Riccardo Saenz on the date of April 13<sup>th</sup> 2017 Rio Grande City CISD police department directed by assistant principle Mark Olivarez And Rio Grande City CISD police chief Trinidad Lopez came to Mr Rolph's assigned classroom at Rio Grande City High School trashed and destroyed Mr. Rolph classroom and handcuffed Mr. Rolph and severely and maliciously beat Mr Rolph. Mr. Rolph was publicly shamed and given inadequate medical and mental health treatment after being beaten, Mr. Rolph was thrown into Starr County Jail with the charge of trespassing in his own classroom when in fact and on that date Mr. Rolph was still a contracted teacher who had never gone through due process to be removed as a teacher. Mr. Rolph was jailed on charges during Easter weekend, and discharged from jail without a proper safety plan. After April 13th Rio Grande City CISD conspired with Texas Teacher to get Mr. Rolph's probationary teaching contract suspended without due process claiming he broke the ethics of the school district. The CISD suspended Mr. Rolph's current contract even though Mr. Rolph continued to be a paid employee until September 1st or the completion of his teaching contract. Rio Grande City CISD continued to slandered and defame Mr. Rolph with a restraining order proclaiming to one and all that Mr. Rolph due to him being a United States Army Veteran was a threat to the community. Mr Rolph was suspended as a teacher by the Rio Grande City CISD without due process. Rio Grande CISD adminstration proclaimed its actions where justified due to Justice of the Peace Luis Garza's republishing expunction Hildago county court case CR-D15548-A from 2003 which had been expunged 1-18-2008 by Hildago County court case 1-18-2008 C-2520-05..

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*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### **IV. Exhaustion of Federal Administrative Remedies**

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

2/16/2018

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- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) 3/1/2018 .

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

**C. Only litigants alleging age discrimination must answer this question.**

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☐ 60 days or more have elapsed.  
☒ less than 60 days have elapsed.

**V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

WHEREFORE, the plaintiff requests that they be awarded compensatory damages for loss of employment, physical and emotional damages and legal fees. Plaintiff also asks this Court to grant him such declaratory, injunctive and other as it just and proper on reflection of legal law. As well as request full reinstatement of employment, probational teaching certification and clearing of Mr. Rolph's expunged legal criminal record.

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**VI. Certification and Closing**

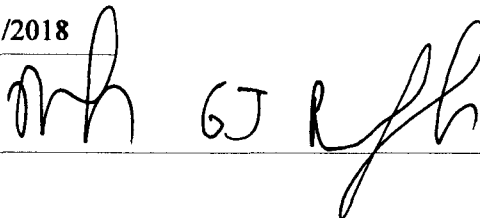
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/21/2018

Signature of Plaintiff

 The signature is handwritten in black ink. It appears to be a stylized 'mh' followed by 'GJ' and a large, sweeping flourish that extends to the right.

Printed Name of Plaintiff Micah Gary Joel Ralph

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_